UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,062	12/31/2001	William R. Matz	01376	9118

38516   7590   11/04/2010
AT&T Legal Department - SZ
Attn: Patent Docketing
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EXAMINER
STRANGE, AARON N

ART UNIT	PAPER NUMBER
2448	

MAIL DATE	DELIVERY MODE
11/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 January 2010</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>45-49,51-53,55-60,62,63,65 and 66</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>45-49,51-53,55-60,62,63,65 and 66</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some *   c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>20100303;20100910;20101005</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's arguments filed 1/13/2010 have been fully considered but they are

not persuasive.

2.   With regard to claim 1, and Applicant's assertion that Kramer fails to teach or

suggest "detecting an insertion event received from the memory (Remarks 6), the

Examiner respectfully disagrees. Kramer teaches detecting an insertion event received

from the memory since content tags are detected and the selection engine is notified to

select content based on the detection (col. 8, ll. 24-40; col. 13, ll. 5-19).

3.   With further regard to claim 1, and Applicant's assertion that Kramer fails to teach

or suggest "transmitting content items from the memory to an analysis module that

calculates a score for each content item by comparing the at least one associated tag to

the user profile and that compares the score to a threshold score." (Remarks 7), the

Examiner respectfully disagrees. Kramer teaches transmitting content items from the

memory to an analysis module (Illumination Sorter 816) that calculates a score for each

content item by comparing the at least one associated tag to the user profile (unsorted

illuminations are sent to the sorter, where a match score is computed by the matching

subsystem)(col. 21,ll. 36-61; col. 23, l. 66 to col. 24, l. 4) and that compares the score to

a threshold score (match score is compared to a threshold associated with each

illumination)(col. 23, ll. 15-22).

4.   Applicant has failed to provide any supplemental explanation of how Kramer

differs from the newly added limitations, merely asserting that Kramer fails to teach or

suggest them. Since Kramer discloses these features, as discussed above, these

arguments are not persuasive.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   Claims 45-49 and 51-55 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kramer et al. (US 6,327,574).

7.   With regard to claim 45, Kramer discloses a method of targeting content,

comprising:

    receiving multiple data streams at a client device with each data stream

comprising a content item (commercials and/or announcements) and at least one tag

(selection criteria)(col. 9, ll. 48-51) (also a webpage embodiment at col. 7, l. 55 to col. 8,

l. 40) (illuminations include content and a query allowing the content to be matched with

various attributes)(col. 21, ll. 34-36);

storing the multiple data streams in memory of the client device (the illuminations

are collected and sorted by the client device)(col. 21, ll. 34-61)

storing a user profile (col. 10, ll. 41-45) having at least one profile tag

(characteristic value)(col. 10, ll. 51-61);

detecting an insertion event (detection of a content tag) received from the

memory (selection engine chooses content when a content tag is detected)(col. 8, ll. 24-

40; col. 13, ll. 5-19);

transmitting content items from the memory to an analysis module (Illumination

Sorter 816) that calculates a score for each content item by comparing the at least one

associated tag to the user profile (unsorted illuminations are sent to the sorter, where a

match score is computed by the matching subsystem)(col. 21,ll. 36-61; col. 23, l. 66 to

col. 24, l. 4) and that compares the score to a threshold score (match score is compared

to a threshold associated with each illumination)(col. 23, ll. 15-22);

when the score satisfies the threshold score, then determining that the content

item is appropriate for presentation (if the match score exceeds the threshold, the

content is selected and placed into the sorted illumination list)(col. 23, ll. 15-22); and

selecting one of the multiple data streams having the score that satisfies the

threshold score (the "most appropriate" content is selected)(col. 8, ll. 34-37; col. 9, ll. 51-

53).

8.   With regard to claim 46, Kramer further discloses defining the user profile based

on usage (Col 3, lines 10-14).

9.   With regard to claim 47, Kramer further discloses defining the user profile based

on manual input (Col 10, lines 32-33 and Col 14, lines 36-42); (information manually

entered on forms).

10.   With regard to claim 48, Kramer further discloses detecting a pattern in user

selections and updating the user profile with the pattern (user profile is continuously

updated based on user selections)(col. 32, l. 32 to col. 33, l. 47).

11.   With regard to claim 49, Kramer further discloses that evaluating the at least one

tag comprises correlating the at least one tag to the at least one profile tag (tags from

the product and consumer profiles are correlated to determine an appeal score)(col. 11,

ll. 17-21).

12.   With regard to claim 51, Kramer further discloses filtering out unselected data

streams (unselected streams are not displayed)(col. 9, ll. 51-53).

13.   With regard to claim 52, Kramer further discloses receiving a tag identifier

associated with the at least one tag (an identifier associated with the tag is inherently

received, so that the recipient can properly identify which tag contains which value).

14.   With regard to claim 53, Kramer further discloses that receiving the multiple data

streams comprises receiving a classification associated with the at least one tag

(information about merchants and products includes classification information)(col. 10,

ll. 33-34).

15.   With regard to claim 55, Kramer further discloses causing presentation of the

selected one of the multiple data streams (selected content is displayed)(col. 8, ll. 34-

37; col. 9, ll. 51-53).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 56-60 and 62-65 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kramer et al. (US 6,327,574) in view of Zhao (US 6,081,840).

18.   With regard to claim 56, Kramer discloses a system for targeting content,

comprising:

        a processor communicating with memory (col. 20, ll. 57-61);

the processor receiving multiple data streams, each data stream comprising a

content item (commercials and/or announcements) and at least one associated tag

(selection criteria)(col. 9, ll. 48-51) (also a webpage embodiment at col. 7, l. 55 to col. 8,

l. 40) (illuminations include content and a query allowing the content to be matched with

various attributes)(col. 21, ll. 34-36);

the processor storing the multiple data streams (the illuminations are collected

and sorted by the client device)(col. 21, ll. 34-61);

the processor storing a user profile in the memory (col. 10, ll. 41-45) having at

least one profile tag (characteristic value)(col. 10, ll. 51-61);

the processor detecting an insertion event (detection of a content tag) received

from the memory (selection engine chooses content when a content tag is

detected)(col. 8, ll. 24-40; col. 13, ll. 5-19);

the processor transmitting content items from the memory to an analysis module

(Illumination Sorter 816) that calculates a score for each content item by comparing the

at least one associated tag to the user profile (unsorted illuminations are sent to the

sorter, where a match score is computed by the matching subsystem)(col. 21,ll. 36-61;

col. 23, l. 66 to col. 24, l. 4) and that compares the score to a threshold score (match

score is compared to a threshold associated with each illumination)(col. 23, ll. 15-22);

when the score satisfies the threshold score, then the processor determines that

the content item is appropriate for presentation (if the match score exceeds the

threshold, the content is selected and placed into the sorted illumination list)(col. 23, ll.

15-22); and

the processor selecting one of the multiple data streams having the score that

satisfies the threshold score (the "most appropriate" content is selected)(col. 8, II. 34-37;

col. 9, II. 51-53); and

the processor ordering a graphical content menu with content items having a

highest probability of interest according to the user profile (content is inserted into the

menu in the order specified by the sorter)(col. 31, II. 33-37).

Kramer fails to specifically disclose that the content is organized into categories

in memory.

Zhao discloses a similar system for storage of computer data files (Abstract).

Zhao teaches storing the files in categories as a means to organize the data for efficient

retrieval (col. 5, II. 19-41). This would have been an advantageous addition to the

system disclosed by Kramer since it would have allowed the content to be organized

and easily retrieved from the appropriate categories.

While Zhao fails to specifically disclose that the categories include advertising,

movies or games, one of ordinary skill in the art would have recognized that the

categories taught by Zhao could have been any type of category appropriate to the type

of file being categorized, including the specific categories of advertising, movies and

games.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to categorize the multiple data streams into categories

including advertising, movies and games to allow the various content types to be

organized and efficiently retrieved.

19.   With regard to claim 57, Kramer further discloses defining the user profile based on usage (Col 3, lines 10-14).

20.   With regard to claim 58, Kramer further discloses defining the user profile based on manual input (Col 10, lines 32-33 and Col 14, lines 36-42); (information manually entered on forms).

21.   With regard to claim 59, Kramer further discloses detecting a pattern in user selections and updating the user profile with the pattern (user profile is continuously updated based on user selections)(col. 32, l. 32 to col. 33, l. 47).

22.   With regard to claim 60, Kramer further discloses correlating the at least one tag to the at least one profile tag (tags from the product and consumer profiles are correlated to determine an appeal score)(col. 11, ll. 17-21).

23.   With regard to claim 62, Kramer further discloses filtering out unselected data streams (unselected streams are not displayed)(col. 9, ll. 51-53).

24.   With regard to claim 63, Kramer further discloses receiving a classification associated with the at least one tag (information about merchants and products includes classification information)(col. 10, ll. 33-34).

25.   With regard to claim 65, Kramer further discloses causing presentation of the

selected one of the multiple data streams (selected content is displayed)(col. 8, ll. 34-

37; col. 9, ll. 51-53).

26.   Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer

et al. (US 6,327,574) in view of Zhao (US 6,081,840) in view of Frengut (US

2002/0046099).

27.   With regard to claim 66, while the system disclosed by Kramer and Zhao shows

substantial features of the claimed invention (discussed above with respect to claim 56),

it fails to disclose presenting a targeted content item when the targeted content item is

associated with a zone improvement plan matching the user profile.

        Frengut discloses a similar system for providing customized content to users

(Abstract). Frengut teaches presenting targeted content to users based on the content

item being associated with a ZIP code of the user (user's custom web page is

generated based in part on the user's zip code)(¶32). This would have been an

advantageous addition to the system disclosed by Kramer since it would have allowed

information to be provided to users based on their zip code, allowing advertisers to

target content to particular locations.

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to present targeted content to users based on a zip code

matching the user's profile, to allow advertisers to target content to particular

geographical locations.

Conclusion

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AARON STRANGE whose telephone number is

(571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448